

1
 2 **UNITED STATES DISTRICT COURT**
 3 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

4 ELI SILVA, on behalf of himself and all
 5 others similarly situated;

6 Plaintiff,

7 vs.

8 WHALECO, INC., d/b/a TEMU;

9 Defendant.

10
 Case No. 3:24-cv-02890-SK

11
**DECLARATION OF PLAINTIFF ELI
 12 SILVA IN SUPPORT OF
 13 OPPOSITION TO DEFENDANT'S
 14 MOTION TO COMPEL
 15 ARBITRATION**

16 I, Eli Silva, declare as follows:

17 1. I am an individual over the age of 18, a resident of Dublin, California, and the
 18 named Plaintiff in this consumer class action against Whaleco, Inc. d/b/a Temu ("Temu"). I make
 19 this Declaration in support of Plaintiff's Opposition to Defendant's Motion to Compel Arbitration.
 20 I have personal knowledge of the facts stated in this Declaration, and if called upon as a witness,
 21 I could and would testify competently hereto.

22 2. On February 21, 2024, I bought two electric massager guns from Defendant online
 23 on temu.com. The two electric massager guns were advertised with an original, strikethrough price
 24 of \$15.59, and offered at a discount for \$6.29 each.

25 3. I believed that these products were being offered at nearly 60% of their original
 26 price, so I proceeded to add the products to my shopping cart. In the shopping cart, Temu again
 27 displayed the strikethrough pricing of the electric massager guns of \$15.59.

28 4. When I made this purchase, I believed that I was saving \$18.60 on both massager
 29 guns.

30 5. If I had known that the electric massage guns were not on sale, I would not have
 31 purchased them.

32 6. When I registered an account, I was not aware nor presented with Temu's Terms

and Conditions.

7. I reviewed the Declaration of Michael Trinh in Support of Defendant's Motion to Compel Arbitration, and the screenflow provided therein. I do not recall seeing the two Registration Prompts when I created my Temu account.

Executed on this 12 day of August 2024 in Dublin, California.

/s/ Eli Silva
Eli Silva



Audit trail

Title	Declaration Page for Eli Silva v. Whaleco, Inc. d/b/a Temu ...
File name	content
Document ID	426d7631d1bbfffaa9e934e4ca516e57ada9f54a
Audit trail date format	MM / DD / YYYY
Status	● Signed

This document was requested from sflinjuryattorneys.lightning.force.com

Document History



SENT

08 / 12 / 2024

21:06:46 UTC

Sent for signature to Eli Silva (elsilvs@gmail.com) from

gpalacios@shamisgentile.com

IP: 107.130.55.114



VIEWED

08 / 12 / 2024

21:07:13 UTC

Viewed by Eli Silva (elsilvs@gmail.com)

IP: 75.18.249.164



SIGNED

08 / 12 / 2024

21:08:09 UTC

Signed by Eli Silva (elsilvs@gmail.com)

IP: 75.18.249.164



COMPLETED

08 / 12 / 2024

21:08:09 UTC

The document has been completed.